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Attorney for Defendant
Miguel Reyes-Garcia

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
(Honorable Edward F. Shea)

UNITED STATES OF AMERICA,)	
)	NO. 15-CR-6049-21-EFS
Plaintiff,)	
)	DEFENDANT'S REQUESTED
vs.)	VOIR DIRE
MIGUEL REYES GARCIA)	
)	
Defendant.)	

TO: JOSEPH H. HARRINGTON, United States Attorney
AND TO: STEPHANIE VAN-MARTER, Assistant United States Attorney

COMES NOW the Defendant, Miguel Reyes-Garcia, and hereby requests that this Court propound the following questions to the jury panel during voir dire, or allow his attorney to propound the same as well as any follow-up questions which may be necessary.

I. PERSONAL BACKGROUND – Questions 1 – 9

- (A) Family status
- (B) Residence
- (C) Occupation
- (D) Education

(E) Military service

(F) Familiarity with parties, authorities, witnesses

PRIOR JURY SERVICE – Questions 10-15

II. EXPERIENCE WITH JUSTICE SYSTEM – Questions 16-17

III. CASE ON TRIAL – Questions 18-20

IV. LEGAL PRINCIPLES – Questions 21-33

V. RACE – Questions 34-39

(1) Each of you should state:

(a) your name;

(b) where you live;

(c) how long you have lived at this address

(d) your marital status (where married, single, widowed or divorced);

(e) the number and ages of your children, if any;

(f)(1) your occupation, its length, or previous employment

(f)(2) your spouse's occupation, its length, or previous employment

(g) the name of your present employer, if any;

(h) whether you have the authority to promote, hire or fire people

(i) how many people you supervise;

(j) how far you went in school;

(k) what degree(s) you acquired.

(2) Have you ever served in the United States military? If so:

(a) what branch?

1 (b) when?

2 (c) rank?

3 (d) where?

4 (3) Do you, or do any members of your family or friends
5 know the presiding judge in this case?

6 (4) Do you, or do any members of your family or friends
7 know the Assistant United States Attorney who will be
8 prosecuting this case?

9 (5) Do you, or do any members of your family or friends
10 know the defense attorney?

11 (6) Do you know or recognize any other prospective jury
12 panelist in the courtroom this morning? If so, what is the
13 basis of the relationship? Would such relationship or
14 acquaintance influence your judgment in this case?

15 (7) Do you have any relatives or friends who are connected
16 with:

17 (a) law enforcement;

18 (b) a district attorney's office;

19 (c) the United States Attorney's Office;

20 (d) any law enforcement or other quasi-law enforcement
21 agency?

22 If you have any such relatives or friends connected with law
23 enforcement, have you ever discussed the guilt or innocence
24 of people charged with violating the law?

25 (8) Have you ever been a police officer or military police
26 officer or worked in a security field either for the state
27 or national government?

1 (9) Do you or do any members of your family know any of
2 the persons who are employed by the government who
3 worked on this case and who will testify in court, and
4 any other witnesses who will testify for the prosecution
5 in this case? (Request the prosecutor to read list of
6 agents and proposed witnesses). United States v.
7 Baldwin, 607 F.2d 1295 (9th Cir. 1979).
8

9 (10) Have any of you ever sat as a juror in a civil case? If
10 so:

11 (a) when?

12 (b) where?

13 (c) how often?
14
15

16 (11) Have any of you ever sat as a juror in a criminal case?
17 If so:

18 (a) when?

19 (b) Where?

20 (c) How often?

21 (d) Did you reach a verdict?

22 (e) What was the verdict?
23
24

25 (12) Is there anything about the nature of this charge that
26 would make it difficult for you to be fair and impartial
27 as a judge of the facts?
28

29 (13) Have you ever served on such a case in which there
30 was an acquittal? If so, did the judge comment on the
31 verdict after it was brought in by the jury? If so, what

1 was said by the judge, and who was the judge
2 involved?

3 (14) Have any of you ever served on a federal or state grand
4 jury? If so:

5 (a) when?

6 (b) Where?

7 (c) How often?

8
9 (15) Have any of you, any members of your immediate
10 family, or friends been a party in a civil action? If so,
11 please explain.

12 (16) Have any of you, any members of your family, or close
13 personal friends ever testified in a civil or criminal trial
14 or before a grand jury? If so, please explain.

15 (17) Do you agree with the fact that an indictment is merely
16 a device for setting in motion the presentation of a case
17 to the jury for your individual determination of a
18 person's innocence or guilt; that it is not proof that no
19 unfavorable inference may be drawn against a person
20 merely because he or she is charged with a crime?

21 (18) How do you feel about our basic constitution
22 presumption that every person charged with a criminal
23 offense is presumed innocent of any crime until proven
24 guilty beyond a reasonable doubt and to a moral
25 certainty? Would you have any difficulty applying this
26 presumption?

27 (19) Do you realize that the burden of proof is greater for a
28 criminal case than for a civil case? The proof to
29
30
31

1 establish the guilt of any person must be beyond a
2 reasonable doubt.

3 (20) Do you understand that the burden of proof beyond a
4 reasonable doubt rests with the prosecution? Would
5 you require the prosecution to prove each and every
6 element of an offense to a moral certainty and beyond a
7 reasonable doubt?
8

9 (21) Do you realize that you must give the defendant the
10 benefit of the presumption of innocence without any
11 mental reservations whatsoever and that you are to
12 consider this presumption of innocence as actual proof
13 of innocence until it is overcome by proof of guilt
14 beyond a reasonable doubt?
15

16 (22) Knowing now that the burden of proof is for the
17 prosecution to establish, would you require Miguel
18 Reyes-Garcia at any time to satisfy you as to his
19 innocence?
20

21 (23) Do you understand and accept the principle that a
22 defendant in a criminal case is not required to explain
23 his or her side of the case since the burden of proof
24 does, in fact, rest with the prosecution?
25

26 (24) If Miguel Reyes-Garcia chose to exercise his
27 constitutional right not to testify, would you consider
28 this to be any indication whatsoever of guilt?
29

30 (25) If, after you hear the evidence, you thought that Miguel
31 Reyes-Garcia was probably guilty and you weren't
convinced and you thought the evidence showed he

1 was probably guilty – would you nevertheless be able
2 to return a verdict of not guilty in this case?

3 (26) Do you realize that you are the sole and exclusive
4 judge of the facts and that you are to judge this case
5 solely on the evidence before you and not allow the
6 fear of alter criticism to affect your verdict?
7

8 (27) Would any of you change your verdict if a majority of
9 the other jurors believed that a person was guilty and
10 you were in the minority?

11 (28) Would the fact that you were in the minority influence
12 your vote at all?
13

14 (29) Have any of you at this time formed any opinion about
15 the guilt or innocence of Miguel Reyes-Garcia that
16 would require evidence to remove such opinion?

17 (30) Do you know of any reason, or has anything occurred
18 during this questioning period, that might make you
19 doubtful as to whether you could be a completely fair
20 and impartial juror in this case? If there is, it is now
21 your duty to disclose this.
22

23 (31) In deciding whether or not you are going to credit the
24 testimony of a witness, would you consider the
25 witness' conduct on the witness stand, the ability and
26 opportunity to observed, any bias or prejudice, and the
27 probability or improbability of the testimony?
28

29 (32) Would any of you tend to give any greater weight or
30 credibility, no matter how slight, to the testimony of a
31 federal agent or prosecution witness merely because

1 they are employees of, or are testifying on behalf of the
2 government? Would you give their testimony greater
3 weight or credibility over that of Miguel Reyes-Garcia
4 or witnesses on his behalf? United States v. Baldwin,
5 607 F.2d 1295 (9th Cir. 1979).
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7 (33) Do we have your assurance that you will not allow your
8 personal feelings about attorneys to affect your
9 judgment about the innocence of guilt of Miguel
10 Reyes-Garcia?
11

12 (34) Is there anything about the Defendant's appearance that
13 causes any of you to prejudge him or to question
14 whether or not you can be fair to him in this case?

15 (35) Have you ever felt prejudged or labeled? How did that
16 make you feel?

17 (36) Stereotypes are very common in our society. Have any
18 of you ever heard any stereotypes regarding Mexican
19 people? What have you heard?
20

21 (37) How many of you have friends or family members who
22 are Mexican-American? What have your experiences
23 with Mexican-Americans been? Have they been
24 positive or negative?
25

26 (38) Imagine that you were a member of a minority group,
27 sitting where the Defendant is sitting, and you
28 discovered that the jury panel was composed of 12
29 identical clones of yourself. Would you feel that you
30 were going to get a fair trial? Why or why not?
31

1 (39) Do you believe there is a perception or concern that
2 most crime is caused by a particular group of people,
3 such as people of a specific age or race or other
4 background? How do you feel about this yourself?
5 Are your feelings in this regard strong ones?
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10 DATED this 27th day of September.

11 s/ Ken Therrien

12 KEN THERRIEN, WSBA #20291
13 Attorney for Miguel Reyes-Garcia
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that on September 27, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Stephanie Van Marter, Assistant United States Attorney.

s/ Ken Therrien
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